

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD V. WEEKS and SALLY R.
WEEKS, Husband and Wife; RAY
COLBERT; and ROBERT COLBERT,

Defendant.

CV-06-0241-EFS

**AMENDED FINAL ORDER OF
FORECLOSURE¹**

Before the Court, without oral argument, is the Government's Application for Judgment and Decree of Foreclosure Upon Order of Default (Ct. Rec. 17). On August 30, 2006, the United States filed a complaint to collect indebtedness based on promissory notes signed by Defendants (Ct. Rec. 1). Defendants waived service (Ct. Recs. 6 & 7), but never responded to the complaint. On June 4, 2007, based on Defendants' failure to respond to the complaint, the Government filed a motion for entry of default (Ct. Rec. 14). A Clerk's Order of Default was filed on June 22, 2007 (Ct. Rec. 16). Now the Government seeks a final judgment and decree of foreclosure

¹This Order is amended in title only.

1 upon order of default (Ct. Rec. 17). The Court grants the
2 Government's motion as follows.

3 **I.**

4 Plaintiff is awarded judgment against Defendants RONALD V.
5 WEEKS and SALLY R. WEEKS, husband and wife, in the amount of
6 \$429,432.28 (\$275,858.39 principal and \$153,573.89 interest accrued
7 through March 19, 2007); and interest to accrue at the rate of
8 \$61.2512 per day from and after March 19, 2007, to the date of
9 judgment; plus interest from the date of judgment at the legal rate
10 until paid in full, for costs of suit, including the filing fee,
11 allowed pursuant to 28 U.S.C. § 2412(a)(2), and other proper
12 relief.

13 **II.**

14 The debt upon which this judgment is based is secured and
15 perfected by the following:

16 (1) A real estate mortgage recorded May 14,
17 1999, under Auditor's File No. 3009202, Official Records
18 of Okanogan County, Washington.

19 (2) A partial release executed by a
20 representative of Plaintiff was recorded July 22, 1999,
21 under Auditor's File No. 3011733, Official Records of
22 Okanogan County, Washington.

23 (3) A real estate mortgage recorded May 14,
24 1999, under Auditor's File No. 3009231, Official Records
25 of Okanogan County, Washington.

26 (4) A security agreement covering irrigation
27 equipment and wind machines, including but not limited to
28 pumps, main lines, sprinkler pipes and attachments, which

1 security agreement was perfected by a financing
2 statement recorded May 14, 1999, as Auditor's File No.
3 3009230, and an assignment recorded June 14, 2001, as
4 Auditor's File No. 3035122, Official Records of Okanogan
5 County, Washington.

6 (5) A partial release executed by Growers
7 Credit and Defendants Ronald V. Weeks and Sally R. Weeks,
8 husband and wife, was recorded July 30, 1999, as
9 Auditor's File No. 3012109, Official Records of Okanogan
10 County, Washington.

11 (6) An Assignment of Note and Mortgage recorded
12 June 6, 2001, as Auditor's File No. 3035127, Official
13 Records of Okanogan County, Washington.

14 (7) A perfected security interest in all wind
15 machines and irrigation equipment, including, but not
16 limited to pumps, main lines, sprinkler pipes, and
17 attachments.

18 III.

19 The foregoing real estate mortgages, security agreements, and
20 financing statements cover the following described property
21 situated in Okanogan County, State of Washington:

22 REAL PROPERTY

23 Tracts 10 and 12 of Okanogan County Assessor's Plat
24 No. 78-1 as per plat thereof recorded May 2, 1978, in
25 Volume H of Plats, Section 3, pages 12 and 13, records of
the Auditor of Okanogan County, Washington

26 EXCEPT Okanogan County Road No. 4328 (North
Assessor's Plat Road0,

27 AND EXCEPT the following described tract: A portion
of said Tract 12 of Okanogan County Assessor's Plat No.
78-1 described as follows:

28 Commencing at the Southwest corner of said Tract 12;
thence N 89 deg. 21'28" E on the South boundary line of
said Tract 12 a distance of 78.96 feet to the East right

1 of way line of Okanogan County Road No. 4328 (North
2 Assessor's Plat Road) and the true point of beginning;
3 thence continue N 89 deg. 21'28" E on the said South
4 boundary line a distance of 1373.73 feet; thence N 00
5 deg. 38'32" W a distance of 287.94 feet; thence S 89 deg.
6 21'28" W a distance of 991.07 feet to the East right of
7 way line of Okanogan County Road No. 4328; thence S. 61
8 deg. 51'30" W on the said East right of way line a
9 distance of 277.04 feet; thence S 39 deg. 54'30" W on the
10 said East right of way line a distance of 210.60 feet to
11 the true point of beginning.

All in Okanogan County, Washington

12 Including but not limited to any replacement of or
13 additions to the complete sprinkler systems with pumps,
14 mains, sub-mains, risers, sprinklers, plugs, valves and
15 fittings and all wind machines appurtenant to the real
16 property located in Okanogan County, Washington as
17 described above.

18 IV.

19 Said real estate mortgages, security agreements, and financing
20 statements, which constitute first and prior liens upon the
21 property described therein, are hereby foreclosed and defendants
22 RONALD V. WEEKS and SALLY R. WEEKS, husband and wife; RAY COLBERT;
23 and ROBERT COLBERT and all persons claiming by, through, or under
24 them are forever barred and foreclosed from asserting any right,
25 title, or interest in and to said property, except for the
26 statutory rights of redemption allowed by the laws of the State of
27 Washington, and said property is hereby ordered sold in the manner
28 provided by law with the proceeds of such sale to be applied to the
expenses thereof, and then in satisfaction of the sums adjudged to
be due plaintiff herein.

29 V.

Any party to this suit may become a purchaser at such sale.

30 VI.

31 The plaintiff shall not have a deficiency judgment in the
32 event the sum received from the sale is insufficient to pay the
33 judgment in full.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Application for Judgment and Decree of Foreclosure Upon Order of Default (**Ct. Rec. 17**) is **GRANTED**.

2. The Clerk is directed to enter **JUDGMENT** in the Government's favor.

3. This file shall be **CLOSED**, and all pending motions **DENIED AS MOOT**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward a copy to all parties.

DATED this 30th day of August 2007.

S/ Edward F. Shea

Edward F. Shea
United States District Judge

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